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8 **UNITED STATES BANKRUPTCY COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10 In re:

11 THE ROMAN CATHOLIC ARCHBISHOP
12 OF SAN FRANCISCO,

13 Debtor and Debtor In
14 Possession,

Case No.: 23-30564

Chapter 11

**MOTION FOR AN ORDER TO ENLARGE
THE CLAIMS BAR DATE TO ALLOW
FILING OF LATE PROOF OF CLAIM**

Date: October 23, 2025

Time: 1:30 p.m.

Location: Remotely Via Zoom

Honorable Dennis Montali

1 **INTRODUCTION**

2 This Motion for an Order to Enlarge the Claims Bar Date to Allow Filing of Late Proof of Claim
3 (hereafter the “Motion”) is brought on behalf of Movant LL John Doe JRO (hereafter “Movant”) who is
4 represented by the law firm of Liakos Law, APC, seeking an order to enlarge the claims bar date to allow
5 the filing of Movant’s late proof of claim based upon excusable neglect under the provisions of Federal
6 Rule of Bankruptcy Procedure 9006(b)(1). Movant’s Motion is based on this Motion and Points and
7 Authorities set forth herein, the Declaration of Jennifer R. Liakos In Support of the Motion and the Notice
8 of Motion filed herewith, and evidence and documentary evidence presented at the time of the hearing.
9 Similarly, Movant requests that the Court take judicial notice of pleadings filed in this case, where they
10 are referred to herein by their docket numbers.

11 **THE MOVANT**

12 Movant LL John Doe JRO¹ (“Movant”) is an 84-year-old male who asserts a claim for childhood
13 sexual abuse against the Roman Catholic Archbishop of San Francisco (hereafter “Debtor”).

14 **STATEMENT OF FACTS**

15 1. Movant is represented by Liakos Law APC, which is a law firm located in Palos Verdes
16 Peninsula, California. Liakos Law APC handles sexual abuse cases, including Catholic clergy sexual
17 abuse claims. Declaration of Jennifer R. Liakos (“Liakos Decl.”) ¶ 1. Jennifer Liakos is the founder and
18 managing partner of Liakos Law, APC and is responsible for overseeing the firm’s sexual abuse practice,
19 including the Catholic clergy sexual abuse cases. *Id.* at ¶ 1.

20 2. Movant filed a Master Complaint for Damages on November 29, 2022 in Alameda
21 Superior Court in California, Case No. 22CV022760. Liakos Decl. ¶ 3. Movant erroneously sued the
22 Roman Catholic Diocese of Oakland (“Diocese of Oakland”) as Defendant Doe Parish, in accordance
23 with the Judicial Council Coordination Proceedings (“JCCP”) 5108 coordinated proceeding Master
24 Complaint. Liakos Decl. ¶ 3, 4.

25 3. On May 8, 2023, the Diocese of Oakland filed a voluntary petition for relief under Chapter
26 11 of the United States Bankruptcy Code. Liakos Decl. ¶ 5. As a result of the Diocese of Oakland’s
27

28 ¹ Movant is identified with a LL John Doe JRO pseudonym given the sensitive nature of the allegations. Movant will provide
Debtor counsel, Committee counsel, and insurance counsel for the Debtor with Movant’s true identity under separate cover.

1 bankruptcy, Movant was unable to conduct discovery, including a JCCP 5108 approved fact sheet and
2 perpetrator file from the Diocese of Oakland. *Id.*

3 4. On September 9, 2023, Liakos Law submitted a Proof of Claim Form for Movant in the
4 Diocese of Oakland bankruptcy proceedings. Liakos Decl. ¶ 6

5 5. The Debtor filed a voluntary chapter 11 Bankruptcy Petition on August 21, 2023. Dkt.
6 No. 1. On September 21, 2023, the Debtor filed its Statement of Methodology Regarding the Debtor's
7 Schedules of Assets and Liabilities and Statements of Financial Affairs, which included the Debtor's
8 Schedules of Assets and Liabilities. Dkt. 152. Liakos Decl. ¶ 7.

9 6. The claims bar date for the Debtor was February 20, 2024. Dkt. No. 337.

10 7. Movant did not submit a proof of claim form in the Archdiocese of San Francisco
11 bankruptcy proceedings. Liakos Decl. ¶ 8. Liakos Law prepared and submitted additional proof of claims
12 for Liakos Law clients with cases involving the Debtor. *Id.*

13 8. On August 20, 2025, bankruptcy counsel for the Diocese of Oakland Creditors'
14 Committee emailed counsel for Movant and alerted Movant's counsel that the Diocese of Oakland may
15 not be the proper defendant. Liakos Decl. ¶ 9. Upon investigation, counsel for Movant realized that due
16 to Liakos Law's negligence, counsel for Liakos Law did not submit a proof of claim for Movant. *Id.*

17 9. Upon counsel's review of the docket of the bankruptcy proceedings, approximately six
18 other motions similar to Movant's Motion have been granted, including the last Order Granting the
19 Motion to Allow the Filing of the Late Claim entered on August 12, 2025. Dkt. Nos. 792, 824, 833, 1137,
20 1178, 1289.

21 **LEGAL ARGUMENT**

22 Federal Bankruptcy Procedure 3003(c)(3) provides that "the court shall fix and for cause shown
23 may extend the time within which proofs of claim or interest may be filed." The sound discretion lies
24 with the bankruptcy court to determine whether extending the claims bar date is appropriate. *In re Dix*,
25 95 B.R. 134, 136 (B.A.P. 9th Cir. 1988). A bankruptcy court is permitted to allow late claims if a failure
26 to comply with a deadline was the result of excusable neglect. Federal Rule of Bankruptcy Procedure
27 Rule 9006(b)(1)(B).

28 The Supreme Court outlined certain criteria in *Pioneer Investment Services Co. v. Brunswick*

1 *Assocs. Limited Partnership*, 507 U.S. 380 (1993) to determine when it is appropriate to allow late filed
2 proofs of claims as a result of excusable neglect. A court should consider the following factors, each of
3 which support the granting of Movant's Motion: (1) the danger of prejudice to the debtor; (2) the length
4 of the delay and its impact on judicial administration; (3) the reason for delay and whether the delay was
5 beyond the reasonable control of the person whose duty it was to perform; and (4) whether the creditor
6 acted in good faith. *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 385 (1993).
7 When determining whether to extend the bar date to include a late claim, the court should consider
8 whether the failure "resulted from negligence, indifference or culpable conduct on the part of a moving
9 creditor or its counsel." *Id.* Where appropriate, courts are permitted to accept late filings caused by
10 inadvertence, mistake, or carelessness, or by intervening circumstances beyond a party's control. *Id.* at
11 388. The determination as to whether neglect is excusable is an equitable determination and all relevant
12 circumstances must be taken into account. *Id.* at 395. Neglect encompasses "simple, faultless omissions
13 to act and, more commonly, omissions caused by carelessness." *Id.* at 388. "*Pioneer* makes clear that the
14 standard is a balancing test, meaning that a delay might be excused even where the reasons for the delay
15 are not particularly compelling." *United States v. Brown*, 133 F.3d 993, 997 (7th Cir. 1998). Instead of
16 a single circumstance, a court should examine the circumstances in their totality, regardless of whether
17 the single circumstance compels a result when considered separately. *Briones v. Riviera Hotel & Casino*,
18 116 F.3d 379, 382 n. 2 (9th Cir. 1997). It is not abuse of discretion for a court to find excusable neglect
19 after a law firm missed a filing deadline as a result of the error of a paralegal. *In re Zilog, Inc.*, 450 F.3d
20 996, 1006 (9th Cir. 2006).

21 Pursuant to the criteria outlined in *Pioneer*, Movant should be permitted to submit a late proof of
22 claim.

23 A. No Prejudice to the Debtor

24 The first *Pioneer* criterion is whether there will be prejudice to the debtor. The possibility that a
25 party will suffer prejudice is insufficient. *See Bateman v. U.S. Postal Serv.*, 231 F.3d 1220, 1225 (9th
26 Cir. 2000). Any finding of prejudice "should be a conclusion based on facts in evidence" and must not
27 be "an imagined or hypothetical harm." *Midland Cogeneration Venture Ltd. P'ship v. Enron Corp. (In*
28 *re Enron Corp.)*, 419 F.3d 115, 118 (2d Cir. 2005). There must be an actual or legal problem that would

1 have an adverse impact on an opposing party. *In re JSJF Corp.*, 344 B.R. 94, 102 (B.A.P. 9th Cir. 2006).

2 The Debtor has not filed a plan of reorganization, nor has mediation concluded. Dkt. No. 1318;
3 Liakos Decl. ¶ 10. Indeed, the Debtor confirms in the Debtor's recently filed Status Conference Statement
4 that mediation remains ongoing through December 2025. Dkt. No. 1318. Given that mediation is clearly
5 ongoing and any progress made during mediation is undoubtedly subject to mediation privilege, Movant
6 anticipates that the Debtor will be unable to articulate an actual or legal harm that would amount to
7 prejudice. Likewise, the Debtor will be unable to claim any prejudice from a single additional claim that
8 would impact an undetermined plan of reorganization. Thus, there will be no prejudice to the Debtor,
9 and this *Pioneer* factor weighs in favor of the Court permitting the late proof of claim.

10 B. Impact on Judicial Administration and Length of Delay

11 Movant's claim will not have an adverse effect on judicial administration of Debtor's Chapter 11
12 proceedings. As discussed herein, the Debtor has not yet filed a reorganization plan, nor have the court-
13 ordered mediation proceedings concluded. Thus, the addition of one more claim in Chapter 11
14 proceedings where mediation is ongoing and no reorganization plan has been filed cannot be said to have
15 an adverse impact on the Court's administration. Simply put, the impact on judicial administration, if
16 any, will be minimal.

17 Movant diligently filed this Motion shortly thereafter learning that a claim should have been filed
18 for Movant. Liakos Decl. ¶ 9. As established herein, the claims bar date was February 20, 2024. Dkt. No.
19 350. While the claims bar date passed approximately seventeen months ago, Movant's counsel just
20 recently learned from bankruptcy counsel for the Diocese of Oakland Creditors' Committee that
21 Movant's claim falls within the Debtor's bankruptcy, rather than within the Diocese of Oakland's
22 bankruptcy, and took active steps to prepare and file Movant's Motion. Liakos Decl. ¶ 9. The length of
23 the delay is not substantial given that the Debtor has not yet filed the Debtor's reorganization plan, and
24 mediation remains ongoing. Dkt. No. 1318. Indeed, the lack of adverse impact on judicial admission is
25 evidenced by the fact that the Court recently entered an Order granting another claimant's motion to file
26 a late claim on August 12, 2025. Dkt. No. 1289. Therefore, the second *Pioneer* factor weighs in favor of
27 this Court permitting Movant's late proof of claim.
28

1 C. Reason for Delay

2 Movant filed a civil lawsuit in the Alameda County Superior Court on November 29, 2022.
3 Liakos Decl. ¶ 3. Movant's lawsuit alleges that he was sexually abused from approximately 1952-1955.
4 Liakos Decl. ¶ 3. Given that Movant was sexually abused over seven decades ago, Movant's access to
5 information related to the perpetrator and potential defendants was extremely limited prior to filing
6 Movant's lawsuit. Liakos Decl. ¶ 3, 5. Thus, based on the information available to Movant's counsel at
7 the time of filing, Movant's counsel believed that the Diocese of Oakland was the proper defendant and
8 accordingly named the Diocese of Oakland and a Diocese of Oakland affiliated entity as defendants. *Id.*
9 Pursuant to Code of Civil Procedure § 340.1(g)-(i), Movant filed the required Certificates of Merit on
10 December 27, 2022, and the court entered an order granting Movant's Certificates of Merit on February
11 15, 2023. Liakos Decl. ¶ 3.

12 Less than 6 months after Movant's lawsuit was filed, on May 8, 2023, the Diocese of Oakland
13 filed for Chapter 11 bankruptcy and Movant's case was subject to an automatic stay during the
14 bankruptcy proceedings pursuant to 11 U.S.C. § 362, prohibiting Movant from conducting discovery in
15 Movant's superior court case, including obtaining defendant's fact sheet and the perpetrator's file from
16 the defendants as outlined in the JCCP 5108 discovery protocol. Liakos Decl. ¶ 5. Likewise, upon service
17 of process of Movant's lawsuit in Movant's superior court case counsel for the Diocese of Oakland
18 refused to accept service in light of the automatic stay. Liakos Decl. ¶ 5. Absent the automatic stay issued
19 in cases involving the Diocese of Oakland, Movant's counsel very likely would have discovered, through
20 discovery, that the Debtor was the appropriate defendant and thus would have timely submitted a proof
21 of claim in the Debtor's bankruptcy.

22 As a result of Movant's inability to conduct discovery, Movant's counsel had no reason to believe
23 that the Diocese of Oakland was not a proper defendant and submitted a proof of claim form in the
24 Chapter 11 proceedings involving the Diocese of Oakland. Liakos Decl. ¶ 3, 5.

25 The excusable neglect standard articulated by the Supreme Court has previously been applied by
26 the Ninth Circuit in *Pincay v. Andrews*, 389 F.3d 853 (9th Cir. 2004) to determine whether errors and
27 omissions made by a party's counsel and paralegal can be considered excusable neglect. In *Pincay*, the
28 deadline to file a notice of appeal was incorrectly calendared by a paralegal, thereby resulting in a late

1 filed notice of appeal. *Id.* In affirming the district court's holding that a late notice of appeal should be
2 permitted, the Ninth Circuit held that the court may not apply *per se* rules and that there should "be no
3 rigid legal rule against late filings attributable to any particular type of negligence." *Id.* at 860. Despite
4 finding that both the attorney and the attorney's paralegal were negligent and the mistake in calendaring
5 the incorrect deadline was egregious, the Court held that this "represents the beginning of our inquiry as
6 to whether the negligence is excusable, not the end of it. The real question is whether there was enough
7 in the context of this case to bring a determination of excusable neglect within the district court's
8 discretion." *Id.* at 858-60. The Ninth Circuit further held that the district court did not abuse its discretion
9 when it found excusable neglect in finding that there was no prejudice, the length of the delay was minor,
10 carelessness was the reason for the delay, and no evidence of bad faith was presented. *Id.* at 855-56.

11 Here, the neglect was the result of Movant's counsel's mistake in filing a proof of claim form for
12 Movant in the Diocese of Oakland bankruptcy, rather than the Debtor's bankruptcy. Movant's counsel
13 did not intentionally ignore the claims bar date but rather believed that Movant's proof of claim was
14 properly submitted within the Diocese of Oakland's bankruptcy given that Movant was unable to conduct
15 discovery, evidencing that Movant's counsel's mistake was just that—a mistake. As established herein,
16 Movant was unable to conduct the necessary discovery which would have inevitably revealed that the
17 Archdiocese of San Francisco was the proper defendant and allowed Movant's counsel to file a proof of
18 claim in the Debtor's bankruptcy in a timely manner. Moreover, even if this circumstance weighs against
19 Movant, the Supreme Court's holding in *Pioneer* as applied by the Ninth Circuit in *Pincay* is an approach
20 that is intended to be flexible as the examination of "all of the circumstances involved rather than holding
21 that any single circumstance in isolation compels a particular result regardless of the other factors."
22 *Pincay v. Andrews*, 389 F.3d 853, 856 (9th Cir. 2004) (quoting *Briones v. Riviera Hotel & Casino*, 116
23 F.3d 379, 382 n. 2 (9th Cir.1997)). Therefore, Movant's counsel's mistaken negligence is not the result
24 of Movant's counsel freely ignoring court ordered deadlines and should be weighed and considered with
25 the other *Pioneer* factors rather than being considered in isolation.

26 D. Whether the Creditor Acted in Good Faith

27 As established herein, Movant's failure to submit a timely proof of claim is the result of Movant's
28 counsel's mistake, rather than any mistake on the part of Movant. Moreover, as soon Movant's counsel

1 was alerted to the issue, Movant's counsel took immediate action to remedy the situation in filing this
2 Motion, evidencing Movant's counsel's action taken in good faith. Any indication that Movant has not
3 acted in good faith would run contrary to facts. It is clear that counsel for Movant is not attempting to
4 use Bankruptcy Rule 9006(b)(1) as a "permissive reprieve." *See Pioneer Inv. Servs. Co. v. Brunswick*
5 *Assocs. Ltd. P'ship*, 507 U.S. 380, 395 (1993). Thus, this *Pioneer* factor also weighs in favor of permitting
6 Movant to submit a proof of claim.

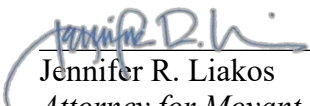
7 Each *Pioneer* factor, when considered in their totality, supports a finding that Movant should be
8 permitted to file a late proof of claim. Prejudice to the Debtor, if any, is very minimal. Although
9 mediation sessions are underway, it is clear that mediation is ongoing for at least three additional months,
10 and no reorganization plan has been filed. The length of the delay is not so much that would favor denial
11 of Movant's Motion. The reason for the delay was as the result of an automatic stay imposed by a
12 different bankruptcy, preventing Movant from engaging in discovery which would have inevitably
13 revealed Movant's counsel's mistake, rather than any inaction on behalf of Movant or Movant's counsel.
14 Finally, there is no indication the Movant has not acted in good faith and has filed the instant Motion
15 shortly thereafter discovery of the issue. To deny Movant the opportunity to submit a late proof of claim
16 when mediation is ongoing and no reorganization plan has been filed would result in a severe injustice
17 to Movant.

18 CONCLUSION

19 For the foregoing reasons, Movant respectfully requests this Court issue an order granting
20 Movant's Motion for an Order to Enlarge the Claims Bar Date to Allow Filing of Late Proof of Claim so
21 that Movant may submit a confidential proof of claim that this Court will deem timely filed in accordance
22 with the Court's order.

23
24 DATED: September 5, 2025

LIAKOS LAW, APC

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26 
27 Jennifer R. Liakos
28 Attorney for Movant